

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
NE/S Liberty Road, 2490' NW *
of c/l of Deer Park Road *
10224 Liberty Road * OF BALTIMORE COUNTY
2nd Election District * CASE # 91-198-SPHXA
2nd Councilmanic District *
Robert N. Kunkel, et ux *
Petitioners *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Special Exception, permission to use the herein described property for an addition to the existing garage, (Motorcycle Service and Repair); a Petition for Special Hearing to approve a nonconforming use of a garage (Motorcycle Service and Repair); and a Zoning Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 10 parking spaces in lieu of the required 32 spaces, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Robert and Frances Kunkel, appeared and testified. Appearing on behalf of the Petition was John Carroll Dunn, an Architect. There were no Protestants.

Testimony indicated that the subject property, known as 10224 Liberty Road consists of .4547 acres +/-, zoned B.L. and is currently improved with a one story motorcycle repair shop, as indicated on Petitioners' Exhibit No. 1.

1. Mr. Kunkel testified that he is in the business of servicing Harley Davidson Motorcycles and that said business is operated by himself, his wife and two children. Since 1976, his business has grown and he has been required to store spare parts, equipment, etc. He requested the parking variance, that over the

past fifteen years there has never been a time when there has been more than five cars on the subject lot at any one time. He indicated that the proposed parking layout is more than sufficient to service his business.

Mr. John Carroll Dunn, an Architect, testified that he has visited the subject site on several occasions and that, in his opinion, the Petitioners' request fulfills all of the requirements of Section 502.1 of the B.C.Z.R. Mr. Dunn further testified that the requested variance is needed and that the proposed parking layout is more than sufficient to service this business. He testified that, in his opinion, the requested relief will have no detrimental impact on the surrounding neighborhood.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the require-

-2-

ments from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Further, it is clear concerning the Petition for Special Exception that the B.C.Z.R. permits the proposed use in a B.L. zone by Special Exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use, including the proposed additions indicated on Petitioners' Exhibit No. 1, will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

RECEIVED FOR FILING
Date 2/2/91
By [Signature]

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After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

The Petitioners have also requested, pursuant to the Petition for Special Hearing, approval of the nonconforming use of a garage as a motorcycle service and repair facility. However, in view of the fact that the entire site was granted a special exception for the requested use including the proposed additions, as indicated on Petitioners' Exhibit No. 1, the special hearing relief is rendered moot. Accordingly, the Petition for Special Hearing will be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 1st day of February, 1991 that Petition for Special Exception to use the herein described property for an addition to the existing garage, (Motorcycle Service and Repair) in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Special Hearing to approve a nonconforming use of a garage (Motorcycle Service and Repair) is hereby DISMISSED; and,

IT IS FURTHER ORDERED that a Petition for a Zoning Variance from Section 409.6.A.2 to permit 10 parking spaces in lieu of the required 32 spaces, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

-4-

RECEIVED FOR FILING
Date 2/2/91
By [Signature]

PETITION FOR ZONING VARIANCE #154
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-198-SPHXA
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.A.2 to permit 10 parking spaces in lieu of the required 32 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert N. Kunkel
Signature	Robert N. Kunkel
Address	Frances V. Kunkel (his wife)
City and State	Signature
Architect:	10224 Liberty Road
Attorney for Petitioner:	Address
John Carroll Dunn	301-922-6141
(Type or Print Name)	Phone No.
Signature	Baltimore, Maryland 21133
City and State	City and State
P.O. Box 414	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John Carroll Dunn
Brooklandville, Md. 21022	Name
City and State	P.O. Box 414 Md. 21022
Attorney's Telephone No.: 301-825-8392	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of February, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of Jan., 1991, at 9:30 o'clock P.M.

(over)

RECEIVED FOR FILING
Date 2/2/91
By [Signature]

PETITION FOR SPECIAL EXCEPTION #154

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-198-SPHXA
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an addition to the existing Garage, Service (Motorcycle Service and Repair).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert N. Kunkel
Signature	Robert N. Kunkel
Address	Frances V. Kunkel (his wife)
City and State	Signature
Architect:	10224 Liberty Road
Attorney for Petitioner:	Address
John Carroll Dunn	301-922-6141
(Type or Print Name)	Phone No.
Signature	Baltimore, Maryland 21133
City and State	City and State
P.O. Box 414	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John Carroll Dunn
Brooklandville, Md. 21022	Name
City and State	P.O. Box 414 Md. 21022
Attorney's Telephone No.: 301-825-8392	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of Feb., 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of Jan., 1991, at 9:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.-No. 1

(over)

RECEIVED FOR FILING
Date 2/2/91
By [Signature]

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an addition to the existing Garage, Service (Motorcycle Service and Repair).

2. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.

3. No disabled vehicles or vehicle parts shall be stored outside on the subject site.

J. Robert Haines
ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 5, 1991

Mr. and Mrs. Robert N. Kunkel
10124 Liberty Road
Baltimore, Maryland 21133

RE: Case No. 91-198-SPHXA
Petition for Special Exception, Special Hearing and Variance

Dear Mr. and Mrs. Kunkel:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, and the Petition for Special Hearing has been dismissed, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3351.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel
cc: Mr. John Carroll Dunn
P.O. Box 414
Brooklandville, Maryland 21022

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PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use of a Garage, Service (Motorcycle Service and Repair).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Architect: _____
Attorney for Petitioner: _____
John Carroll Dunn
(Type or Print Name)
Signature _____
P.O. Box 414
Address _____
Brooklandville, Md. 21022
City and State _____
Architect's Telephone No.: 301-825-8392

Legal Owner(s):
Robert N. Kunkel
(Type or Print Name)
Signature _____
Frances V. Kunkel (his wife)
(Type or Print Name)
Signature _____
10124 Liberty Road 301-922-6141
Address Phone No.
Baltimore, Maryland 21133
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John Carroll Dunn
P.O. Box 414 Md. 21022 301-825-8392
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31 day of Dec 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23 day of Jan 1991 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

CERTIFICATE OF PUBLICATION

Pikesville, Md., 12/12/90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 13th day of Dec 1990.

the first publication appearing on the 12th day of Dec 1990.

the second publication appearing on the day of Dec 1990.

the third publication appearing on the day of Dec 1990.

THE NORTHWEST STAR

Manager J. Robert Haines

CERTIFICATE OF PUBLICATION

Pikesville, Md., 12/19/90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 20th day of Dec 1990.

the first publication appearing on the 19th day of Dec 1990.

the second publication appearing on the day of Dec 1990.

the third publication appearing on the day of Dec 1990.

LEGAL NOTICE

BALTIMORE COUNTY
ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:

Petitioner for Special Hearing, Special Exception and Variance
Case No. 91-198-SPHXA
NE/S Liberty Road, 2490' NW corner of Deer Park Road
(#10124 Liberty Road)
2nd Election District
2nd Councilmanic
Petitioner(s): Robert N. Kunkel, et ux
Hearing: Wednesday, January 23, 1991 at 9:30 a.m.

Special Hearing(s) to approve a nonconforming use of a service garage (motorcycle service and repair). Special Exception for an addition to the existing parking garage. Variance to permit parking spaces in lieu of the required lot space.

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New Show at Science Center

The American Diabetes Assoc., in conjunction with the Md. Science Center will be celebrating the premiere of the Diabetes Exhibit at the Science Center on Sat. Dec. 14 from 9:30 to 11:30 a.m. At this time, admissions will be free for teenagers and one adult in exchange for their collection of 120 or more for the Diabetes Assoc. Sponsorship sheets may be obtained from all Towson Banks or by calling 446-5515.

To help parents better understand their adolescents' behavior, Jewish Family Services is offering a workshop on "Parenting Your Teen." A four-session workshop will be held on Sunday evenings beginning Jan. 14 from 7-9 p.m. at the CJFA office at Randalltown Square, Cir. 8, 29 Church Ln. Call 446-5500 ext. 107 to register by Dec. 20.

JFS Parent & Teen Workshop

To help parents better understand their adolescents' behavior, Jewish Family Services is offering a workshop on "Parenting Your Teen." A four-session workshop will be held on Sunday evenings beginning Jan. 14 from 7-9 p.m. at the CJFA office at Randalltown Square, Cir. 8, 29 Church Ln. Call 446-5500 ext. 107 to register by Dec. 20.

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 2nd Date of Posting January 3, 1991
Posted for: Special Hearing, Special Exception and Variance
Petitioner: Robert N. Kunkel, et ux
Location of property: NE/S Liberty Road, 2490' NW of Deer Park Road
Park Road 10124 Liberty Road
Location of Sign: In front of 10124 Liberty Road
Remarks: S.J. Dunn
Posted by: S.J. Dunn Date of return: January 4, 1991
Number of Signs: 3

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number N: 3612

Date

H9100154

DESCRIPTION	QTY	PRICE
POSTING (OTHER)	1	
SPECIAL HEARING (OTHER)	1	
SPECIAL EXCEPTION	1	
POSTING FEES (MAXIMUM)		\$450.00
TOTAL:		\$450.00

Please make checks payable to: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number N: 3612

Date

DESCRIPTION	QTY	PRICE
POSTING (OTHER)	1	
SPECIAL HEARING (OTHER)	1	
SPECIAL EXCEPTION	1	
POSTING FEES (MAXIMUM)		\$450.00
TOTAL:		\$450.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20-90

THIS IS TO CERTIFY, that the annexed advertisement was published in the JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13-90.

THE JEFFERSONIAN,

S. Zake Olson

Publisher

\$ 38.43

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1-3-91

Robert N. Kunkel
10124 Liberty Road
Baltimore, Maryland 21133

RE:
Petition for Special Hearing, Special Exception and Variance
CASE NUMBER: 91-198-SPHXA
NE/S Liberty Road, 2490' NW corner of Deer Park Road
(#10124 Liberty Road)
2nd Election District - 2nd Councilmanic
Petitioner(s): Robert N. Kunkel, et ux
HEARING: WEDNESDAY, JANUARY 23, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 87.43 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

DATE:

12-13-1990

THE NORTHWEST STAR
111 W. Chesapeake Ave.
Towson, MD 21204

No 21106

(301) 653-3800

To: Towson, Md. Office
111 W. Chesapeake Ave.
Towson, MD 21204

DATE Dec. 19, 1990

CUSTOMER ORDERING
SALESPERSON
DATE

TERMS PAYMENT DUE UPON RECEIPT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
12/19	Legal ad, 12/19 3 col. inches	\$8.00	24.00
	P.O. #0109031		

TRIPLICATE

Thank You!

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 4, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing, Special Exception and Variance
CASE NUMBER: 91-198-SPHXA
1075 Liberty Road, 2490' NW centerline of Deer Park Road
(#10124 Liberty Road)
2nd Election District - 2nd Councilmanic
Petitioner(s): Robert N. Kunkel, et ux
HEARING: WEDNESDAY, JANUARY 23, 1991 at 9:30 a.m.

Special Hearing to approve a nonconforming use of a service garage (motorcycle service and repair).

Special Exception for an addition to the existing service garage.

Variance to permit 10 parking spaces in lieu of the required 32 spaces.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert N. Kunkel
John Carroll Dunn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 10, 1991

John Carroll Dunn
P.O. Box 414
Brooklandville, MD 21022

RE: Item No. 154, Case No. 91-198-SPHXA
Petitioner: Robert N. Kunkel, et ux
Petition for Special Exception, Special Hearing
and Zoning Variance

Dear Mr. Dunn:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Robert N. Kunkel
10124 Liberty Road
Baltimore, MD 21022

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this

31st day of October, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert N. Kunkel, et ux

Petitioner's Attorney:

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

10/17/90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 154, Zoning Advisory Committee Meeting of October 30, 1990

Property Owner: Robert N. Kunkel, et ux

Location: 10124 Liberty Road District: 2

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to any installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chattroller generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type health care facilities, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, spas, whirlpools, hot tubs, water and sewage facilities or other appliances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-3745.
- () Others Preliminary review of site plan submitted with petition for special exception & special hearing reveals area remaining for septic reserve inadequate for size of addition proposed. For further information and/or consultation, contact Mr. Robert Bwell of the Water & Sewer Division at 257-2722.

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
700 East Joppa Road, Suite 301
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 25, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT N. KUNKEL
Location: #10124 LIBERTY ROAD

Item No.: 154 Zoning Agenda: OCTOBER 30, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Very truly yours,
REVIEWER: *Michael S. Flanigan* Approved: *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
10/28/90

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: November 1, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert N. Kunkel, Item No. 154

The Petitioner requests a Variance to permit 10 parking spaces in lieu of the required 32 spaces.

In reference to this request, staff offers the following:

- This request requires CRG or a CRG waiver.

Should the Petitioner's request be granted, staff recommends the following:

- The Petitioner shall submit a landscape plan to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits. Said plan shall include increased treatment along Liberty Road.
- Architectural elevation drawings of the proposed addition should be submitted. These drawings should indicate exterior materials to be used in the construction of the addition.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM154/ZAC1

received
11/14/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
October 30, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-23

SUBJECT: ZONING ITEM #: 154
PROPERTY OWNER: Robert N. Kunkel, et ux

LOCATION: NE/S Liberty Road, 2490' NW centerline of Deer Park Rd (#10124 Liberty Road)
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

(X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION (X) RAMPS (degree slope)
(X) NUMBER PARKING SPACES (X) CURB CUTS
(X) BUILDING ACCESS (X) SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS SHALL BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. See Code 303.2, Section 303.2 and Code 310.2 to document same.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - A structure with a repair business shall be classified & shall comply with requirements for a repair business as an automobile dealer ship. Such mixed use requirements use B Use M and S-I shall comply to the current building code.

PERMITS MAY BE APPLIED FOR 3 ROOM 106, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88. Refer to the applicable code Section 313.0. See also Section 906. for exterior wall requirements & exterior opening protective.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 26, 1990
FROM: Robert W. Poulton, P.E.
RE: Zoning Advisory Committee Meeting
for October 30, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 153, 156, and 158.

Items 153, 157 and 160 are subject to the previous County Review through comments.

For Item 155, the south side lot line is 135.12 feet instead of 159.18 feet as shown.

Robert W. Poulton
ROBERT W. POULTON, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. With / SHM
Mr. Powell / EIRS
Mr. Pilon / M&S
Mr. Fisher / C&CA
Mr. Richards / Zoning
Mr. Kennedy / DED (2)
Mr. Family / Traffic Engineering
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acquisition
Ms. Lutz / House Numbering
Capt. Kelly / Fire Department
Mr. Kincer / Recreation & Parks
Mr. Brocato / SHA
Mr. Butcher / C & P
Mr. Keller / OFD Deputy Director (FYI)

DATE: May 13, 1991

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 2 C 2
Project Name: CYCLE SHACK
Project No.: 91060
Engineer: Dunn
Phone No.: 296-7363

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :X W-9-40
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :

* Pre-Approved Building Permits: N/A
* Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by June 3, 1991. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:bje
Attachment
cc: File
CYCLESB/EDWS

To: Kate
5/13/91 uor
ASAP
Rec 14 May

CYCLE SHACK
W-91-40

C.R.G. Waiver
Plan Date: 3/4/91
Comments Due: 6/3/91
Comments Date: 6/6/91
Comments Typed: 6/11/91

This property was subject to zoning case #91-198-SPHXA. Explain the discrepancies between the hearing plan and the waiver plan. Provide metes and bounds around the tract boundary. Provide a more clear vicinity map.

If you have any questions, please do not hesitate to call me at 887-3391. Any requests for further information from the Zoning Office must include a reference to the waiver file W-91-40 and written correspondence or revised plans must be accompanied by a copy of these comments.

Catherine A. Milton
CATHERINE A. MILTON
PLANNER I

CAM:scj

cc: Current Planning
Zoning File - #91-198-SPHXA
Waiver File

ARCHITECTS
ENGINEERS
INTERIOR DESIGNERS

THE OFFICE OF JOHN CARROLL DUNN
P.O. Box 414, Sherrillsburg, Md. 21152
Telephone 301 296-7363

91-198-SPHXA

October 9, 1990

RE: Petitions for Special Exception,
Special Hearing & Zoning Variance.

Cycle Shack
10124 Liberty Road
Randallstown, Md. 21133

Mr. Mitchell J. Keilman
Office of Planning & Zoning
Towson, Md. 21224

Dear Mitch,

Handed you herewith are the following for the Subject
Petitions:

- Three (3) copies of Petition for Special Exception.
- Three (3) copies of Petition for Special Hearing.
- Three (3) copies of Zoning Variance.
- Three (3) copies of a Zoning Description, signed and sealed.
- One (1) copy of the 1" = 200' scale Zoning Map of Subject Property, signed and sealed.
- Twelve (12) copies of Plat of Subject Property, signed and sealed.
- Filing Fee of \$450.00 for the three (3) requests.

The advertising and posting fees will be paid by the Owners on the Hearing date.

#154

Mr. Mitchell Keilman
October 9, 1990
Page 2

91-198-
SPHXA

Trusting you will find the above in order and thanking you for your assistance, I am,

Sincerely,

John Carroll Dunn
John Carroll Dunn, Architect

enclosures: twenty-six (26)

cc: Robert Kunkel
Cycle Shack
James E. Dyer
Zoning Supervisor
W. Carl Richards, Jr.
Zoning Coordinator



L. J. DONALD SCHAEFER
GOVERNOR
MELVIN A. STEINBERG
LT. GOVERNOR

STATE OF MARYLAND
DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONAL SERVICES
MARYLAND STATE POLICE
(301) 298-3101

Barrack "K", Baltimore Metro Troop
Baltimore, Maryland
January 21, 1991

PETITIONER'S
EXHIBIT 2

Baltimore County Zoning Commission
111 West Chesapeake Avenue
Room 113
Towson, Maryland 21204

To Whom It May Concern:

This writer is submitting this letter for your review on behalf of Mr. Robert Kunkel, Owner/Operator of the Cycle Shack of Randallstown, Maryland.

I have known Mr. Kunkel and his family, along with having business dealings with him on both a personal and professional level, for approximately 15 years. During this period of time, he has continually demonstrated through his character to be a very dedicated and forthright individual.

As a result of my knowledge and dealings with Mr. Kunkel through his business, he was accepted with my Agency as a knowledgeable and reliable repair facility for this Agency's motorcycle program. This agreement was initiated in 1985 and continues still to this date. Through his own dedication and awareness, along with the expeditious manner he handled all dealings with my Agency, his efforts were rewarded with a "Good Citizen Award of Excellence" on behalf of our Superintendent.

My own knowledge of Mr. Kunkel, and both his reputation and that of his business, demonstrates that he, as an individual, is well respected throughout his own immediate community and the motorcycling community itself.

The location of his business has been found to be very advantageous to this Agency along with benefiting the community and the business world as well. Mr. Kunkel has continually shown an inherent interest in his community through his support of all charity and benefit efforts made known to him. As a businessman, he never falters in going that extra step to satisfy a customer.

In society today, it is not often that you can say that you cross paths with a truly honest, always looking out for the customer, type businessman. I can vehemently say that is not the case as it relates

Baltimore County Zoning Commission
January 21, 1991

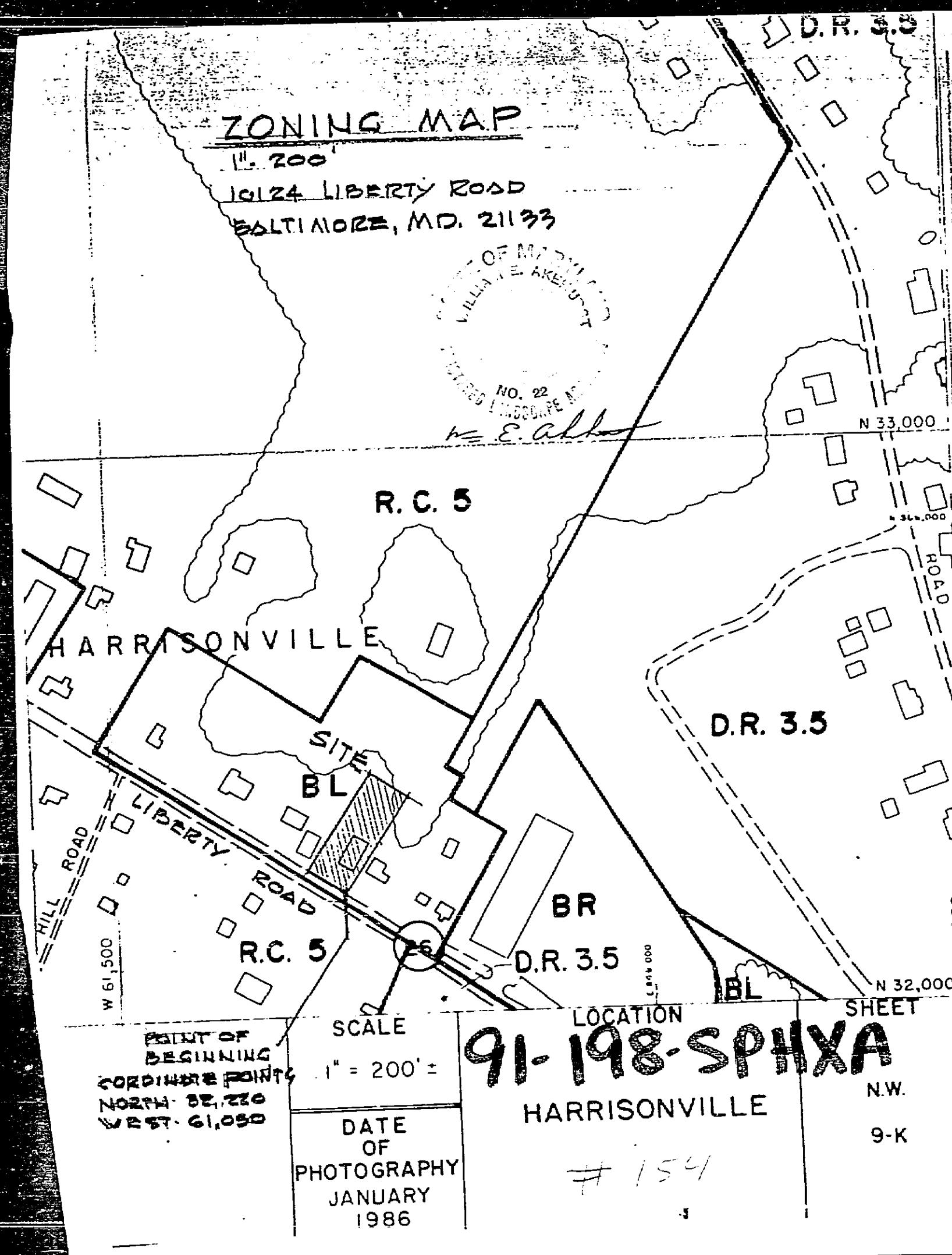
Page 2

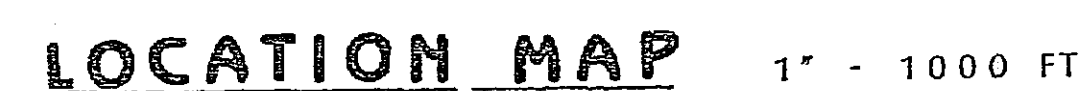
to Mr. Kunkel or his business. I respect him as both an individual and as a dear friend.

Respectfully,

H. U. Sullivan, Jr.
H. U. Sullivan, Jr. - 3141
Corporal - Maryland State Police
Baltimore Metro Troop Motorcycle Unit
1711 Belmont Avenue
Woodlawn, Maryland 21207
(301) 298-3101

HUS:ncd





GENERAL NOTES

1. APPLICANT: ROBERT N. & FRANCES V. KUNKEL, (HIS WIFE)
10124 LIBERTY ROAD
BALTIMORE, MARYLAND - 21133
TELEPHONE: 301-922-6141.
2. CURRENT ZONING OF PARCEL - BL
3. ELECTION DISTRICT - # 2
CONGRESSIONAL DISTRICT # 2
CENSUS TRACT - 4025.01
4. TAX ACCOUNT # 02-03-472590 (COX ENTERPRISES)
DEED REFERENCE - LIBER 8261 - PAGE 813
5. SITE ACREAGE: 19810 SF. / 0.4547 ACRES
6. SOILS - MANOR M b b 2
7. WATER: PRIVATE
SEWER: PRIVATE
8. ESTIMATED AVERAGE DAILY TRIPS
(NOT REQUIRED)
9. CRG REVIEW (NOT REQUIRED)
10. STORM WATER MANAGEMENT (NOT REQUIRED)
(DISTURBED AREA LESS THAN 5000 S.F.)
11. SEDIMENT CONTROL - SEE PROPOSED SILT FENCE
(TOTAL DISTURBED AREA = 4500 S.F.+/-)
12. FLOOR AREA RATIO (FAR)
SITE AREA = 22,780 SF
FAR = 0.28
RETAIL = 1900 S.F. (EXIST)
RETAIL = 4588 S.F. (PROPOSED)

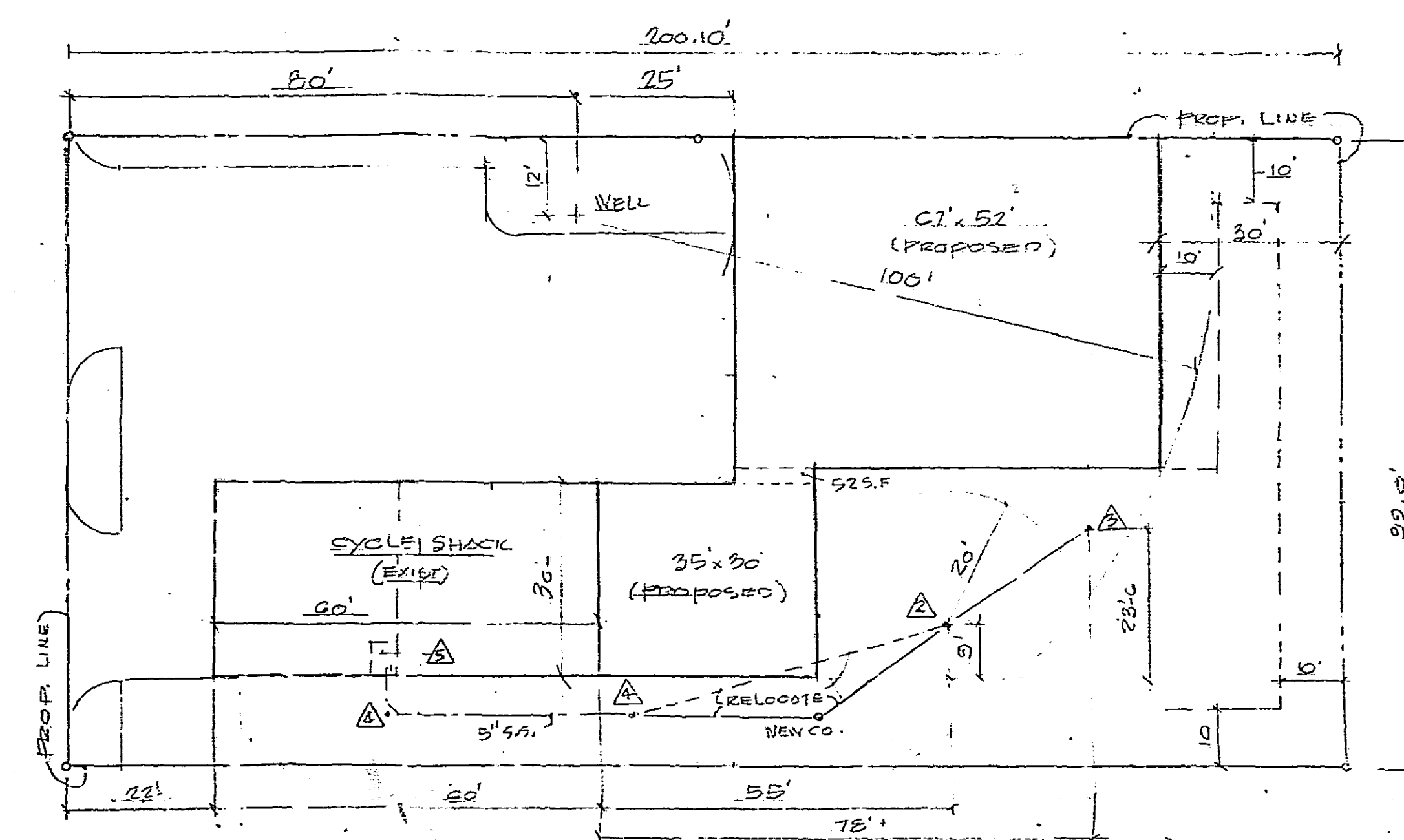
ACTUAL 6386 S.F. - 0.45 ACRES (22,780 S.F.) = 0.28 (FAR)

13. THE PRINCIPLE USE OF THE EXISTING FACILITY IS FOR MOTOR CYCLE SALES AND RIDER WEARING APPAREL. THE NUMBER OF EMPLOYEES INCLUDING THE OWNERS IS FOUR. THE HOURS OF OPERATION IS FROM 10:00 A.M. TO 5:00 P.M., MONDAY THRU SATURDAY.
14. THE PROPOSED ONE STORY RETAIL FACILITY WILL BE SERVICED BY THE RETAIL PERSONNEL. NO ADDITIONAL EMPLOYEES WILL BE REQUIRED FOR THE RETAIL FACILITY.
15. THERE ARE NO STREAMS, SPRINGS, BODIES OF WATER OR FLOOD PLAINS ON THE SITE.
16. THERE ARE NO HISTORICALLY SIGNIFICANT BUILDINGS ON THE SITE.
17. THERE ARE NO WETLANDS, SIGNIFICANT GEOLOGICAL FORMATIONS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THE SITE.
18. CURRENT OWNERSHIP: ROBERT N. & FRANCES V. KUNKEL (HIS WIFE)
10124 LIBERTY ROAD
BALTIMORE, MARYLAND 21133



SEWAGE DISPOSAL NOTES

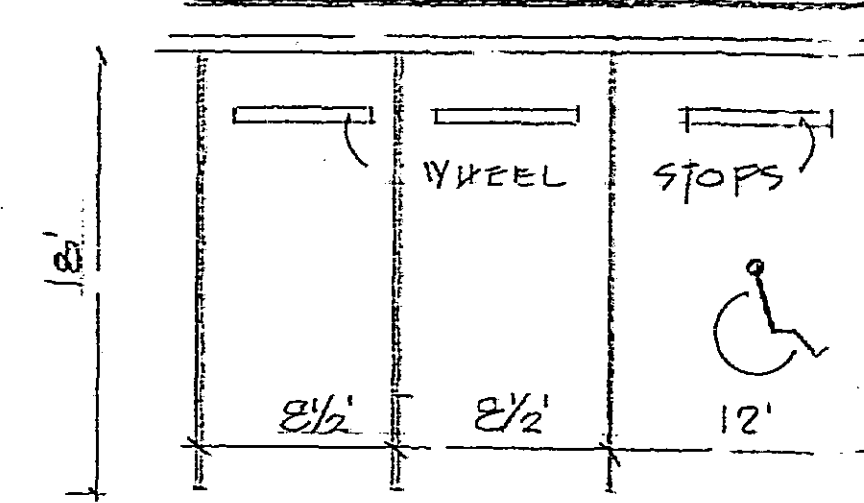
- △ WELL CAP.
- △ SEPTIC TANK (C.O.)
- △ SEEPAGE PIT (C.O.)
- △ SANITARY SEWER (C.O.)
- △ TOILET LAVATORY (EXISTING)



SEWAGE DISPOSAL SYSTEM

EXISTING-TO BE RETAINED FOR REUSE

PARKING SUMMARY



TYPICAL HANDICAPPED & STANDARD
PARKING SPACES
SCALE: 1/8" = 1'0"

**PETITIONER'S
EXHIBIT 1**

RETAIL	-	30	X	60	=	1800	SQ.	FT.
RETAIL	-	30	X	35	=	1050	SQ.	FT.
RETAIL	-	13	X	4	=	52	SQ.	FT.
RETAIL	-	52	X	67	=	3484	SQ.	FT.

RETAIL TOTAL = 6386 SQ. FT./200 = 32 SPACES REQUIRED

TOTAL SPACES PROVIDED: 10 (INCLUDING 1-H/C SPACE)

SPACES TO BE STRIPED WITH TRAFFIC PAINT.

91-198-SPHXA

TO ACCOMPANY SPECIAL EXCEPTION HEARING

10124 LIBERTY ROAD BALTIMORE, MD 21133

DATE ISSUED: OCT - 9 1990

TE OF MARYLAND
C.M.E. AGENCY
ARCHITECTURAL REGISTRATION BOARD
142
REVISIONS
DATE 05-08-90

DATE ISSUED: 05-07-1990

THE OFFICE OF JOHN CARROLL DUNN
ARCHITECTS
P.O. BOX 436 • BROOKLANDVILLE, MARYLAND • 21022

PROPOSED RETAIL BUILDING
FOR
CYCLE - SHACK

10124 LIBERTY RD., RANDALLSTOWN, MD.

S I T E P L A N S

SCALE
NOT

SHEET
A-